

SELF-DISCLOSURE FORM

Docket Number: 04-2008-9230
Case Name: Koyo Corporation of USA
Date Violations Disclosed: 8/21/08
Attorney Assigned: Saundi Wilson
Program Contact Assigned: Jay Bhushan

Facility Address: 2850 magnolia st.
City: Orangeburg State: SC
Zip: 29115 Small Business? Y ☒ N
SIC Code: 3562

(If More Than One Facility, Please Attach Additional Forms)

Statutes(s) and Section(s) Violated:

Statute: EPCEA Section: 313
Statute: _____ Section: _____
Statute: _____ Section: _____
Statute: _____ Section: _____

Is Disclosure Part of Compliance Incentive Program? Yes ☒ No

If Yes, Choose All That Apply:

- | | |
|--|--|
| <input type="checkbox"/> Bakers CFC Partnership | <input type="checkbox"/> Oil & Gas Program |
| <input type="checkbox"/> CMOM POTW Program | <input type="checkbox"/> Prisons Program |
| <input type="checkbox"/> Colleges & Universities Program | <input type="checkbox"/> Storage Tank Emission Reduction Program |
| <input type="checkbox"/> Grain Processing Program | <input type="checkbox"/> Stormwater/Commercial Development Program |
| <input type="checkbox"/> Industrial Organic Chemical Program | <input type="checkbox"/> Telecommunications Incentive Program |
| <input type="checkbox"/> Lead Disclosure Program | <input type="checkbox"/> Wood Treaters Program |
| <input type="checkbox"/> National Iron & Steel Incentive Program | |

Disclosure Under (Select One):

☒ Audit Policy ☐ EPA Small Business Policy

Koyo

KOYO CORPORATION OF U.S.A.

JTEKT
Group

August 21, 2008,

04-2008-9230

Kelly Sisario
EPA Region 4
61 Forsyth Street SW
Atlanta, GA 30303

EPCRA 313

**RE: Koyo Corporation of USA
Orangeburg, South Carolina**

Dear Ms. Sisario:

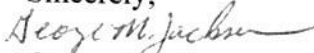
The purpose of this letter is to make voluntary disclosure of potential environmental compliance violations recently discovered by Koyo Corporation of U.S.A. in Orangeburg, South Carolina.

On or about August 5, 2008 I received an email from Mr. Douglas Chatham with EPA Region 4 as part of a routine annual data quality check for the TRI 2007 Report. His email stated that it appears that Koyo may have made an error in our Form R reports for the year 2007.

After reviewing the data from RY2007, I went back further in time to RY2006 to review that data. While reviewing that data it was discovered that a wrong calculation was used to calculate the production related releases which resulted in a lower figure for 2006 and for the 2007 figures to appear as a much higher increase from RY2006. Koyo is in the process of submitting revised TRI RY2006 and TRI RY 2007 with the correct figures. This will be completed by August 27, 2008.

If you have any questions regarding this disclosure, please do not hesitate to call me at (803)536-6200 Ext. 117.

Sincerely,



George M. Jackson
Safety/Environmental Supervisor

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)	
)	<u>NOTICE OF DETERMINATION</u>
Koyo Corporation of America)	
)	
Respondent.)	Docket Number: 04-2002- 9004 9968
)	
Proceeding under Section 325(c) of the)	
Emergency Planning and)	
Community Right-To-Know Act (EPCRA))	

FINAL DETERMINATION

Pursuant to the "Final Policy Statement on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations" (65 Fed. Reg. 19618, April 11, 2000) ("Self-Disclosure Policy"), the Environmental Protection Agency, Region 4 (EPA) hereby issues this Final Determination on violations disclosed to EPA by Koyo Corporation of America U.S.A. (Koyo), at its Orangeburg, South Carolina facility.

SELF-DISCLOSURE POLICY

EPA issued the Self-Disclosure Policy to encourage regulated entities to conduct voluntary compliance evaluations and to disclose and promptly correct violations. As an incentive for companies to undertake self-policing, self-disclosure, and self-correction of violations, EPA may substantially reduce or eliminate gravity-based civil penalties; however, EPA retains its discretion to recover any economic benefit gained as a result of noncompliance. Where the disclosing party establishes that it satisfies all of the conditions listed below, as set forth in the Self-Disclosure Policy, EPA will not seek gravity-based penalties for violations of federal environmental requirements:

- (1) Discovery of the violation(s) through an environmental audit or compliance management system;
- (2) Voluntary disclosure;
- (3) Prompt disclosure;
- (4) Discovery and disclosure independent of government or third party plaintiff;
- (5) Correction and remediation;
- (6) Prevent recurrence;
- (7) No repeat violations;
- (8) Other violations excluded;
- (9) Cooperation.

FINDINGS OF FACT

In a letter to EPA dated July 25, 2000, Ms. Debbie Walling disclosed to EPA that Koyo violated Section 313 of EPCRA by exceeding the 10,000 pounds threshold amount per year of a toxic chemical for the years 1997, 1998, and 1999. EPA responded to Koyo's initial disclosure letter on August 10, 2001. In that letter EPA requested additional information to determine whether Koyo met the nine conditions necessary for a gravity-based penalty reduction or elimination. Koyo's August 27, 2001, letter to EPA addressed the nine conditions. Koyo is a Toyota general supplier. On July 17, 2000, Koyo conducted this voluntary environmental audit to assess the status of the company's compliance with the requirements of EPA's environmental regulations. According to Ms. Walling, the audit was performed consistent with and in furtherance of Koyo's corporate environmental compliance status of its operations. The violation

was discovered as a result of this auditing activity and were disclosed to EPA on July 25, 2000. Following the discovery of the violations, Koyo corrected the violations and submitted the corrected Form R reports to EPA on August 18, 2000.

FINAL DETERMINATION

Pursuant to the Self-Disclosure Policy, and based on information provided by the facility, EPA makes the following final determination for the disclosure identified above: The facility meets the conditions of the Self-Disclosure Policy for 100% elimination of gravity-based penalties for these violations. EPA will not seek gravity-based penalties for these violations. The facility gained no apparent economic benefit as a result of these violations.

Consistent with the purposes of the Self-Disclosure Policy, EPA expects the facility to institute, on a continuing and company-wide basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

1/29/02
Date

Winston A. Smith
Winston A. Smith, Director
Air, Pesticides & Toxics Management Division
Region 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 24 2002

MEMORANDUM

SUBJECT: Koyo Corporation of U.S.A. - Orangeburg, South Carolina
Voluntary Self-Disclosure

FROM: Marcia W. Glenn *Marcia W. Glenn*
Paralegal Specialist
Office of RCRA/Federal Facilities Legal Support

THRU: V. Anne Heard, Chief *V. Anne Heard*
Office of RCRA/Federal Facilities Legal Support

TO: *ANTHONY TONEY*
~~Robert Bookman~~, Chief *T. Bookman*
EPCRA Section

This memorandum transmits our analysis of the voluntary disclosure of possible violations of Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). These recommendations are based on the guidelines in the Environmental Protection Agency's (EPA's) "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," (Audit Policy), 65 Fed. Reg 19618 (April 11, 2000). We conclude that Koyo Corporation of U.S.A. (Koyo), did violate Section 313 of EPCRA by failing to submit a Form R report for the years 1997, 1998, and 1999. The facility also exceeded the 10,000 pounds threshold amount per year of a toxic chemical for the years 1997, 1998, and 1999. We recommend assessing no penalty against Koyo for these violations.

Background

In a letter to EPA dated July 25, 2000, Ms. Debbie Walling disclosed to EPA that Koyo failed to submit Form R reports for 1996, 1997, and 1999. The facility violated Section 313 of EPCRA by failing to submit Form Rs for the following chemicals and by exceeding the 10,000 pounds threshold amount for the following chemicals:

<u>Chemical</u>	<u>Report Year</u>
Manganese	1997
Manganese	1998
Manganese	1999
Methanol	1997
Methanol	1998
Methanol	1999
Ammonia	1997

Ammonia	1999
Diethanolamine	1997
Diethanolamine	1998
Naphthalene	1997
Naphthalene	1999

EPA responded to Koyo's initial disclosure letter on August 10, 2001. In that letter, EPA requested additional information to determine whether Koyo met the nine conditions necessary for a gravity-based penalty reduction or elimination. In a follow-up letter from Koyo dated August 27, 2001, Ms. Lila S. Jacobs, Human Resources Manager at Koyo addressed the nine conditions necessary to determine if Koyo was eligible for a gravity-based penalty reduction. Having reviewed the information submitted by Koyo, our assessment is as follows.

Discussion

1. Discovery of the Violations Through an Environmental Audit or a Compliance Management System. Section D(1) of EPA's Audit Policy provides that in order to qualify, the violations must be discovered through either an environmental audit; or a compliance management system reflecting the regulated entity's due diligence in preventing, detecting, and correcting violations. The July 25, 2000, letter from Koyo stated that the discovery of the EPCRA compliance violations at its Orangeburg, South Carolina facility came as a result of a corporate environmental audit. The purpose of the compliance audit was to assist Koyo in assessing the status of the facility's compliance with the full range of environmental laws and regulations associated with Koyo's operations. The audit was performed consistent with and in furtherance of Koyo's corporate environmental policy and programs which are designed to systematically and periodically review the environmental compliance status of its operations. The Office of Legal Support concludes that the violations were discovered through the company's documented, systematic procedure or practice which reflects the regulated entity's due diligence in preventing, detecting, and correcting violations as the Audit Policy requires.

2. Voluntary Discovery. Under Section D(2) of the final policy, the violation must have been identified voluntarily, and not through a monitoring, sampling, or auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement. Koyo discovered the violations as a result of an environmental compliance audit which reflected the facility's due diligence in preventing, detecting, and correcting the violations. Koyo discovered the EPCRA Section 313 violations on July 19, 2000. It appears that Koyo's disclosure was voluntary as required by the policy.

3. Prompt Disclosure. Section D(3) of the Audit Policy requires the entity to fully disclose the specific violation in writing to EPA within 21 calendar days after discovery or within such shorter time as may be required by law, after the entity discovered that the violation has or may have occurred. Koyo discovered the violations following an environmental audit on July 19, 2000, and disclosed the violations to EPA on July 25, 2000. This condition was met.

4. Discovery and Disclosure Independent of Government or Third Party Plaintiff.

Under Section D(4) of the Audit Policy, the entity must discover and disclose the potential violation independently. The violation must be discovered and identified prior to when EPA or another governmental agency likely would have identified the problem either through its own investigative work or from information received through a third party; a notice of a citizen suit; the filing of a complaint by a third party; the reporting of the violation to EPA or other government agency by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity; or imminent discovery of the violation by a regulatory agency. In this case, Koyo took the initiative to investigate, found the potential violations, and submitted the reports to the appropriate agencies and EPA. The company was not reacting to knowledge of a pending enforcement action or third-party complaint. Therefore, Koyo complied with this condition.

5. Correction and Remediation. Under Section D(5) of the policy, the regulated entity must correct the violation within 60 calendar days from the date of discovery, or as expeditiously as possible, certify in writing that the violation has been corrected, and take appropriate measures as determined by EPA to remedy any environmental or human harm due to the violation. EPA retains the authority to order an entity to correct a violation within the specific time period shorter than 60 days whenever correction in such shorter period of time is feasible and necessary to protect public health and the environment adequately. Koyo corrected the violations quickly by submitting the Form R reports to the appropriate agencies and EPA on August 18, 2000. Further, no harm actually occurred as a result of the violations. This condition was met.

6. Prevent Recurrence. Under Section D(6) of the policy, the regulated entity must agree in writing to take steps to prevent a recurrence of the violation. Such steps may include improvements to its environmental auditing or compliance management system. The facility has taken steps to prevent recurrences. Koyo has instituted a process to improve its environmental performance by establishing a company-wide procedures and a compliance plan to ensure regulatory environmental compliance. Koyo met this condition.

7. No Repeat Violations. Section D(7) of the policy requires that the specific violation (or a closely related violation) has not occurred within the past three years within the same facility and has not occurred within the last five years as a pattern at multiple facilities owned or operated by the same entity. For the purpose of this section, a violation is (a) any violation of a federal, state or local environmental notice of violation, conviction or plea agreement; or (b) any act or omission for which the regulated entity has previously received penalty mitigation from EPA or a state or local agency. To our knowledge, Koyo has not had the same or closely-related violations within the past three years at this facility nor have they exhibited a pattern of such violations over the past five years. We therefore conclude that Koyo has met this condition as well.

8. Other Violations Excluded. Section D(8) of the policy requires that the violation is not one which (a) resulted in serious actual harm or may have presented an imminent and substantial endangerment to public health or the environment or (b) violates the specific terms of any judicial

or administrative order, or consent agreement. The EPCRA Section 313 violations did not cause any actual harm or present an imminent and substantial endangerment to public health or the environment. Since there are no violations of any order, consent agreement or plea agreement involved in this case, these requirements have been met.

9. Cooperation. Under Section D(9) of the policy, the regulated entity must cooperate as requested by EPA and provide information necessary to determine the applicability of the policy. "Cooperation" includes assistance in determining the facts of any related violations suggested by the disclosure, as well as the disclosed violation. Koyo has cooperated with EPA and has responded completely to requests for additional information regarding this self-disclosure of the EPCRA violation and has committed to continue to do so. This condition has been met.

Conclusion and Recommendation

Based upon our review of the information, we have concluded that Koyo has met all of the nine conditions for a 100% penalty reduction. Since the ERP does not contemplate calculating an economic benefit component for these violations, it is recommended that no penalty be assessed against Koyo and that a Notice of Determination be issued.

cc: Dennis Wile



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

1015 # 541544

04-2003-9500

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 17 2003

Mr. George M. Jackson
Safety/Environmental Supervisor
Koyo Corporation of U.S.A.
2850 Magnolia Street
Orangeburg, South Carolina 29115

RE: Voluntary Self-Disclosure of EPCRA Violations

Dear Mr. Jackson:

Enclosed please find a Notice of Determination concerning violations of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 1101 et seq.

The Environmental Protection Agency (EPA) is in receipt of your letter dated July 10, 2002, in which you disclosed violations of EPCRA at your facility located in Orangeburg, South Carolina. Based on the Final Policy Statement, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," (Audit Policy), 65 FR 19618 (April 11, 2000), EPA will not seek any gravity-based penalties as all violations were discovered, disclosed, and corrected in accordance with the Audit Policy. In addition, EPA will not seek to recover any economic benefit gained as a result of noncompliance.

Should you have any questions regarding this letter, please contact me at 404/562-9537.

Sincerely,

Marcia W. Glenn
Paralegal Specialist

Enclosure

ICIS # 5415414
04-2003-9
entered in
ICIS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)
) NOTICE OF DETERMINATION
Koyo Corporation of USA)
)
Respondent.)
) DOCKET NUMBER: 04-2002-9973
Proceeding under Section 325(c) of the)
Emergency Planning and)
Community Right-To-Know Act (EPCRA))

FINAL DETERMINATION

Pursuant to the "Final Policy Statement on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations" (65 Fed. Reg. 19618, April 11, 2000) (Audit Policy), the Environmental Protection Agency, Region 4 (EPA) hereby issues this Final Determination on violations disclosed to EPA by Koyo Corporation of USA (Koyo) at its facility located in Blythewood, South Carolina.

AUDIT POLICY

EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations and to disclose and promptly correct violations. As an incentive for companies to undertake self-policing, self-disclosure, and self-correction of violations, EPA may substantially reduce or eliminate gravity-based civil penalties; however, EPA retains its discretion to recover any economic benefit gained as a result of noncompliance. Where the disclosing party establishes that it satisfies all of the conditions listed below, as set forth in the Audit Policy, EPA will not seek gravity-based penalties for violations of federal environmental requirements:

- (1) Discovery of the violation(s) through an environmental audit or compliance management system;
- (2) Voluntary disclosure;
- (3) Prompt disclosure;
- (4) Discovery and disclosure independent of government or third party plaintiff;
- (5) Correction and remediation;
- (6) Prevent recurrence;
- (7) No repeat violations;
- (8) Other violations excluded; and
- (9) Cooperation.

FINDINGS OF FACT

In a letter to EPA dated July 10, 2002, Koyo admitted the following violations of the Emergency Planning and Community Right-to-Know Act (EPCRA):

- Violation 1: Koyo failed to timely submit a Toxics Release Inventory (TRI) report for chromium, copper, manganese, and nickel to the EPA and the State of South Carolina for calendar years 1999 through 2001, as required by Section 313 of EPCRA, 42 U.S.C. § 11023. On July 29, 2002, Koyo submitted the reports to the appropriate agencies.

FINAL DETERMINATION

Pursuant to the Audit Policy and based on information provided by the facility, EPA makes the following final determination for the disclosure identified above. The facility meets the conditions of the Audit Policy for 100 percent elimination of gravity-based penalties for these violations. EPA will not seek gravity-based penalties for these violations. The facility gained no apparent economic benefit as a result of these violations.

Consistent with the purposes of the Audit Policy, EPA expects the facility to institute, on a continuing and company-wide basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

7/17/03
Date

Jane Banister
Beverly H. Banister, Director
Air, Pesticides & Toxics Management Division
EPA - Region 4

CASE CONCLUSION DATA SHEET

ICIS # 5415 414

(To be Submitted to EAD When:

- (1) Judicial Consent Decrees/Orders are Entered by Court
- (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet
- (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

Note: Form will be returned if this section is incomplete:

Name of Person Completing Form: Marcia W. Glenn Date: 07-22-03

Signature of Program Office Supervisor or Designee: _____ Date: _____

A. Case and Facility Background

- 1. Case Name Koyo Corp g ~~Ames~~ USA
- 2. REDS No. _____
- 3. Court Docket/Regional Hearing Clerk Docket No. 64-2002-9973
- 4(a) EPA Lead Attorney Marcia W. Glenn
- 4(b) EPA Program Contact Stacey Bouma
- 11. Facility Name _____ State _____

5. Statute(s) and Section(s) **Violated** (NOT Authorizing Section Nor CER):

EPCRA / 311 ; EPCRA / 312 ; EPCRA / (313) ; EPCRA / 302/303

6. **Authorizing** Section for Administrative Actions: _____ / _____

7. Action Dates (Complete **EITHER** Administrative or Judicial):

Administrative:

Issued/Filed _____ Final Order _____

Judicial:

Settlement Lodged _____ Settlement Entered _____

Estimated Termination Date: _____

15. Was Alternative Dispute Resolution Used in This Action? ☐ Yes ☐ No

16. Action Type:

- ☐ (a) Consent Decree or Court Order Resolving a Civil Judicial Action
- ☐ (b) Administrative Penalty Order (with/without Injunctive Relief)
- ☐ (c) Superfund Administrative Cost Recovery Agreement
- ☐ (d) Federal Facility Compliance Agreement (NOT including RCRA Matters)
- ☐ (e) Field Citations
- ☐ (f) Administrative Compliance Orders
- ☒ (g) Notice of Determination (Self-Disclosure Cases)

D. Injunctive Relief and Other Compliance Activities (Non-SEP Related)

Note: Penalty orders without injunctive relief and Superfund administrative cost recovery agreements SHOULD SKIP THIS SECTION.

17. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements? This may be due to settlement/order requirements or otherwise required by statute or regulation. Include actions completed prior to the final settlement/order and actions to be taken by violator to return to compliance or meet additional requirements. Where separate penalty and/or compliance orders are issued in connection with same violation(s), report the following information for only one of those orders. Select response(s) from the following:

Column 1: Actions That Result In Pollutant Reduction/Elimination (Also Complete Entire No. 19) <input type="checkbox"/> Use Reduction <input type="checkbox"/> Industrial Process Change (Includes Flow Reduction) <input type="checkbox"/> Emission/Discharge Change (Install/Modify Controls) <input type="checkbox"/> Disposal Change <input type="checkbox"/> Remediation (Treatment-ex-situ, in-situ; containment) <input type="checkbox"/> Removal <input type="checkbox"/> RD/RA <input type="checkbox"/> Restoration <input type="checkbox"/> Best Management Practice (Includes O&M)

Column 2: Actions That Result in Pollutant Identification (Also Complete Pollutant Column in Question No. 19) <input type="checkbox"/> Storage Change <input type="checkbox"/> Labeling/Manifesting <input type="checkbox"/> Permit Application
--

Column 3: Actions That Do Not Result In Pollutant Reduction/Elimination (Skip Question No. 19) <input type="checkbox"/> Testing <input type="checkbox"/> Auditing <input type="checkbox"/> Monitoring/Sampling <input type="checkbox"/> Recordkeeping <input checked="" type="checkbox"/> Reporting <input type="checkbox"/> Information Letter Response <input type="checkbox"/> Training <input type="checkbox"/> Provide Site Access <input type="checkbox"/> Site Assessment/ Site Characterization <input type="checkbox"/> RI/FS or Corrective Measures Study <input type="checkbox"/> Environmental Mgmt Systems <input type="checkbox"/> Financial Responsibility Requirements <input type="checkbox"/> Notification/Registration <input type="checkbox"/> Planning
--

Other (Describe) _____

If No Injunctive Relief, Choose One : Cost Recovery ONLY _____ Penalty ONLY _____

THIS INFORMATION IS **REQUIRED** IF INJUNCTIVE RELIEF IS INDICATED IN QUESTION #17

18. **Cost of Injunctive Relief** Described in Item 17 (Actual Cost Data Supplied by Violator is Preferred Figure):

Column No. 1 Actions: \$ _____ **AND/OR** Columns No. 2 and 3 Actions: \$ _____

19. Quantitative Environmental Impact of Actions Described in Item 18:

REDUCTIONS/ELIMINATIONS:

Pollutants/Chemical Waste Stream	Annual Amount Reduced/Eliminated/Treated*	Units**	Origination Media***
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Note: **ICIS Rounds Calculations Automatically.** Therefore, any calculation of 0.xxx will round down to zero. Please consider this when doing pollutant calculations. It may be necessary to change the unit to a smaller unit – for example from pounds to ounces.

****Acceptable Units Are:**

Acre Feet
Acres (CWA)
Cubic Feet
Cubic Meters
Cubic Yards
55-Gallon Drums
Gallons
Grams
Kilograms
Linear Feet
Liters
Metric Tons
Milligrams
Milliliters
One Million Grams
One Thousand Gallons
Ounces
Pounds
Pounds Per Day
Square Feet
Tons

*****Acceptable Origination Media Choices Are:**

Air & Radiation
Drinking Water
Groundwater
Land
Landfill
Liquid
Multi-Media
Pesticides & Toxic Substances
Sediment
Sludge Lagoon
Soil
Solid Waste
Surface Water
Water
Wetlands

Has EPA Taken Previous Formal Enforcement Action Regarding These Violations? (Does Not Include NOV's)

☐ Yes ☐ No

If Yes, Docket Numbers of Previous Actions: _____

E. Supplemental Environmental Project (SEP) Information

20. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

☐ (a) Public Health

☐ (b) Pollution Prevention

☐ (1) Equipment/Technology Modifications

☐ (2) Process/Procedure Modifications

☐ (3) Product Reformulation/Redesign

☐ (4) Raw Material Substitution

☐ (5) Improved Housekeeping/O&M/Training/Inventory Control

☐ (6) In-Process Recycling

☐ (7) Energy Efficiency/Conservation

☐ (c) Environmental Restoration and Protection

☐ (d) Assessments and Audits

☐ (e) Environmental Compliance Promotion

☐ (f) Emergency Planning and Preparedness

☐ (g) Other SEP Category (Specify) _____

21. SEP Description _____

22. Cost of SEP. Cost Calculated by the PROJECT Model is Preferred. \$ _____

23. Is Environmental Justice Addressed by SEP? ☐ Yes ☐ No

24. Quantitative Environmental Impact of SEP:

Pollutants/Chemical Waste Stream	Annual Amount Reduced/Eliminated/Treated*	Units**	Origination Media***
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: See lists of acceptable units and medias on page 3 of this form.

F. Penalty Information (If there is no penalty, enter 0 and proceed to #27)

25(a) Assessed Penalty 0 \$ _____

25(b) (If Shared) Federal Share \$ _____

25(c) (If Shared) State or Local Share \$ _____

26. For Multi-Media Actions, Federal Amounts by Statute:

Statute	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

G. Cost Recovery

27. Amount of Cost Recovery Awarded:

\$ _____ EPA Share

\$ _____ State and/or Local Government Share

\$ _____ Other

Was this an overfile action? ☐ Yes ☒ No

(Overfiling occurs when (1) a state/local delegated or approved program has taken no action or an Inadequate action to address a violation at a facility; AND (2) EPA takes an enforcement action against the same facility for the same violation; AND (3) the state has not joined with EPA in the EPA action nor asked EPA to bring the action.)

FOR SELF-DISCLOSURE CASES ONLY
(COMPLETE ONLY IF FACILITY SELF-DISCLOSED VIOLATIONS)

H. Self-Disclosure Information

Did Company Self-Disclose Violations? ☒ Yes ☐ No

Date of Disclosure: 07-10-02

Was the Disclosure Resolved Under: ☒ Audit Policy ☐ Small Business Policy

If Resolved Under Small Business Policy, Provide SIC Code: _____

Was Disclosure Referred by Another Region or HQ? ☐ Yes ☒ No

If Yes, What Office? _____

Was Disclosure Part of Compliance Incentive Program? ☐ Yes ☒ No

If Yes, Choose All That Apply

- | | |
|--|--|
| <input type="checkbox"/> Bakers CFC Partnership Program | <input type="checkbox"/> Prisons Program |
| <input type="checkbox"/> CMOM POTW Program | <input type="checkbox"/> Storage Tank Emission Reduction Program |
| <input type="checkbox"/> Colleges & Universities Program | <input type="checkbox"/> Stormwater/Commercial Development Program |
| <input type="checkbox"/> Grain Processing Program | <input type="checkbox"/> Telecommunications Incentive Program |
| <input type="checkbox"/> Industrial Organic Chemical Program | <input type="checkbox"/> Wood Treaters Program |
| <input type="checkbox"/> Lead Disclosure Program | |
| <input type="checkbox"/> National Iron & Steel Incentive Program | |
| <input type="checkbox"/> Oil & Gas Program | |

Number of Facilities Associated With This Disclosure? 1

Any Outstanding Issues? ☐ Yes ☒ No (If yes, please describe): _____

Penalty Information:

Penalty Calculation Before Mitigation: \$ _____

% or Amount of Gravity-Based Penalty Waived: 100 % OR \$ _____

Gravity-Based Penalty Assessed: \$ _____

Economic Benefit Assessed: \$ _____

Rationale for Not Applying Disclosure Policy:

☐ No Violation Occurred

☐ Not a Systematic
Discovery

☐ Discovery Not Voluntary

☐ Disclosure Not Prompt

☐ Entity Had Repeat Violations

☐ Agreement or Order
Violated

☐ Violation(s) Not Corrected Expeditiously

☐ Discovery & Disclosure
Not Independent

☐ Cooperation Insufficient

☐ Actual Serious Harm or
Imminent &
Substantial Endangerment

☐ Federal Facility That Would Not Be Liable for a Penalty

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

ADMINISTRATIVE ACTION DATA SHEET

To Be Submitted to EAD When:

- (1) a Complaint is Filed; or
 (2) When a Complaint/ Settlement is Filed Together; Along with a CCDS
 (3) a Non-Penalty Order is Issued; Along with a CCDS

1. Case Name Kayo Corporation & USA
 2. REDS No. _____
 3. Court Docket/Regional Hearing Clerk Docket No. 04-2008-59973

4(a) EPA Lead Attorney Marcia W. Glenn Phone No. 29537

4(b) EPA Program Contact Stacey Bouma Phone No. 29192

Facility Information

Information for One Facility (If More Facilities, Attach Additional Pages.)
 (Use Location of Site of Violation; **DO NOT** use a P.O. Box #.)

11. Facility Name Kayo Corp & USA
 12. Street Address 2850 Magnolia St County _____
 City Orangeburg State SC Zip Code _____
 13(a) Primary 4-Digit SIC Code 3562 (b) Other 4-Digit SIC Codes _____
 14(a) EPA Program ID No. _____
 14(b) EPA FLA No. _____
 Is this a Federal Facility? _____ Yes ☒ No
 Is this Indian Land? _____ Yes ☒ No
 If Yes, What Tribe? _____
 Is This a Small Business? _____ Yes ☒ No

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

5. Statute(s) and Section(s) Violated (**NOT** Authorizing Section Nor CFR):

EPCRA / 311 ; EPCRA / 312 ; EPCRA / 313

6. Authorizing Section for Administrative Actions: _____/_____

If CERCLA, Is the Site on the NPL? ____ Yes ____ No

12. CFR Violation Citation(s):

40 CFR Part _____ Section _____ 40 CFR Part _____ Section _____

40 CFR Part _____ Section _____ 40 CFR Part _____ Section _____

8. Is this a MULTI-MEDIA action? ____ Yes ☒ No

If Yes, check all that apply:

____ M-M inspection ____ M-M complaint ____ M-M settlement ____ SEP in other media

9. Was The Agency Activity Taken in Response to Environmental Justice Concerns? ____ Yes ☒ No

If Yes, Check All That Apply: ____ Minority Population & Low Income

____ Low Income

____ Minority Population

____ Other

Is The Facility Located in an Environmental Justice Area? ____ Yes ☒ No

PRIORITY INFORMATION

MOA Priority (Check All That Apply):

CAA Air Toxics & NSR/PSD:

- ☐ Coal-Fired Power Plant
- ☐ Coal-Fired Power Plant (SIC Code 4911)
- ☐ NSR
- ☐ PSD

Petroleum Refining:

- ☐ Benzene Waste (BENZ)
- ☐ LDAR (LDAR)
- ☐ Refinery Fuel Gas (REFFG)

RCRA:

- ☐ Misidentified Waste (RMISWT)
- ☐ Permit Evaders (RCRPE)
- ☐ Permit Evaders - Misidentified Wastes

SDWA Microbial:

- ☐ Other Microbial (OMICR)
- ☐ SWTR Violations (SWTR)
- ☐ TCR Violations (PWTOR)

Wet Weather:

- ☐ CAFO (AFLDT)
- ☐ CSO (CSO)
- ☐ SSO (SS)
- ☐ Stormwater (STORM)
- ☐ Stormwater - Construction
- ☐ Stormwater - Industrial
- ☐ Stormwater - Municipal

Regional Priority (Check All That Apply):

- ☐ Coastal & Inland Marinas
- ☐ Corrective Action Facilities
- ☐ Geographic Initiative
- ☐ Hazardous Waste Facilities
- ☐ Metal Galvanizers
- ☐ Mobile Bay Compliance Assurance Initiative
- ☐ Plastics & Synthetic Resin Manufacturers
- ☐ Textile Industry
- ☐ Wood Preserving Facilities

7. Date Complaint Filed: _____

Proposed Penalty Amount \$ _____

Is This An Amended Complaint: ☐ Yes ☐ No

AND/OR Proposed Cost
Recovery Amount \$ _____

Self Disclosure Information

Did Company Self-Disclose Violations? ☒ Yes ☐ No

Does Company Have Less Than 100 Employees? ☐ Yes ☒ No

(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy)

Date Violations Disclosed: 07 / 10 / 2002

Violation Type (Please select all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Accreditation | <input type="checkbox"/> Land Ban | <input type="checkbox"/> CERCLA Reporting Quantity Discharge Violation |
| <input type="checkbox"/> Acid Rain | <input type="checkbox"/> Land Disposal & Treatment | <input type="checkbox"/> Violation of SIP - Not Otherwise Listed |
| <input type="checkbox"/> Animal Feedlot (CAFO) | <input type="checkbox"/> Labeling/Marking Req. | <input type="checkbox"/> Sludge Disposal Requirements, Violation of |
| <input type="checkbox"/> AO Violation - Violation of Previously Issued AO | <input type="checkbox"/> Lead Paint Rule | <input type="checkbox"/> Sanitary Sewer Overflows |
| <input type="checkbox"/> Battery Management Act Violation | <input type="checkbox"/> Manufacturer Defeat Device | <input type="checkbox"/> Stormwater Overflows |
| <input type="checkbox"/> Benzene Waste | <input type="checkbox"/> Microbial Violations | <input type="checkbox"/> Storage Facility Requirements, Violation of |
| <input type="checkbox"/> Bevill Enforcement Case | <input type="checkbox"/> MPRSA Judicial Case | <input type="checkbox"/> Sale-Uncertified Vehicle/ Engine |
| <input type="checkbox"/> CAA - Asbestos Req. Violation | <input type="checkbox"/> NESHAP | <input type="checkbox"/> Violation of Surface Water Trtmt. Rule |
| <input type="checkbox"/> CAA - Asbestos-in-Schools Violation | <input type="checkbox"/> New Fuels & Fuel Additives | <input type="checkbox"/> Tampering w/ Emissions Control Device |
| <input type="checkbox"/> CAA - Risk Management Plan | <input type="checkbox"/> Nozzle Flow Rate | <input type="checkbox"/> Tracking Form Requirements |
| <input type="checkbox"/> CAA - Air Emissions - Not Otherwise Listed | <input type="checkbox"/> Failure to Submit DMR | <input type="checkbox"/> RCRA Treatmnt Facility Req. |
| <input type="checkbox"/> CAA - Prevention of Significant Deterioration | <input type="checkbox"/> Failure to Notify | <input type="checkbox"/> Urban Bus |
| <input type="checkbox"/> CAA - Stratospheric Ozone Protection | <input type="checkbox"/> Discharge, Emission, or Activity w/out Permit | <input type="checkbox"/> UIC Casing & Cementing |
| <input type="checkbox"/> Closure & Post-Closure Req. | <input type="checkbox"/> Failure to Report Info. | <input type="checkbox"/> UIC Fluid Movement |
| <input type="checkbox"/> CAA - Asbestos Demolition/ Renovation Work Practices | <input type="checkbox"/> Non Road Engine | <input type="checkbox"/> UIC Mechanical Integrity |
| <input type="checkbox"/> Container Requirements | <input type="checkbox"/> New Source Perf. Std. | <input type="checkbox"/> UIC Monitoring Requirements |
| <input type="checkbox"/> Combined Sewer Overflows | <input type="checkbox"/> New Source Review | <input type="checkbox"/> UIC No Approved Plugging & Abandonment Plan |
| <input type="checkbox"/> Diesel High Sulfur | <input type="checkbox"/> Opacity | <input type="checkbox"/> UIC Injection Between Outermost Casing |
| <input type="checkbox"/> Diesel Misfueling | <input type="checkbox"/> Other/Miscellaneous | <input type="checkbox"/> UIC Injection Beyond Authorized Pressure |
| <input type="checkbox"/> Disposal Facility Req. - Not Otherwise Listed | <input type="checkbox"/> FIFRA Packaging Req. | <input type="checkbox"/> UIC Unauthorized Injection |
| <input type="checkbox"/> Effluent Limit Violation - Not Otherwise Listed | <input type="checkbox"/> OPA - Inadequate/No SPCC Plan | <input type="checkbox"/> UIC Unauthorized Operation of a Class IV Well |
| <input type="checkbox"/> EPCRA - Toxic Release Inventory (EPCRA Section 313) | <input type="checkbox"/> OPA - Oil Spill Violation | <input type="checkbox"/> UIC Non-compliance with Plugging & Abandonment |
| <input type="checkbox"/> Exports Violation | <input type="checkbox"/> PCB Rules, Violation of | <input type="checkbox"/> Unauthorized Brine Discharge |
| <input type="checkbox"/> Financial Resp. Req. - Violation of | <input type="checkbox"/> Pre-Manufacturing Notice Req. | <input type="checkbox"/> Unregulated Wastes |
| <input type="checkbox"/> Gasoline - Conventional | <input type="checkbox"/> Pretreatment Violation | <input type="checkbox"/> UST Violation of UST Req. - Other than LDAR |
| <input type="checkbox"/> Gasoline Detergent | <input type="checkbox"/> Permit Requirements - Violation of | <input type="checkbox"/> UST Leak Detection & Repair (LDAR) |
| <input type="checkbox"/> Gasoline - Lead Phasedown | <input type="checkbox"/> PWS Monitoring/Rept. | <input type="checkbox"/> Motor Vehicle Requirements |
| <input type="checkbox"/> Gasoline High Sulfur | <input type="checkbox"/> PWS Max Contaminant Level | <input type="checkbox"/> Worker Protection Std. |
| <input type="checkbox"/> Gasoline Volatility Limits | <input type="checkbox"/> PWS Notification to Public | <input type="checkbox"/> 404 Discharge w/out (or in Violation of) a Permit |
| <input type="checkbox"/> Gasoline - Reformulated | <input type="checkbox"/> PWS Sampling & Analyzing | |
| <input type="checkbox"/> General Facility Requirement | <input type="checkbox"/> PWS Total Coliform Rule | |
| <input type="checkbox"/> Good Laboratory Practices | <input type="checkbox"/> RCRA Permit Evader | |
| <input type="checkbox"/> Groundwater Monitoring Req. | <input type="checkbox"/> Violation of Req. to Monitor/Maintain Records | |
| <input type="checkbox"/> Imports Violation | <input type="checkbox"/> Refinery Fuel Gas | |
| <input type="checkbox"/> Info Letter Request Violation | <input checked="" type="checkbox"/> Violation of Reporting Req. | |
| | <input type="checkbox"/> RCRA K061 Initiative | |
| | <input type="checkbox"/> RCRA Misidentified Waste | |